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Three General Wills in Rousseau

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Abstract: Jean-Jacques Rousseau introduces three conceptions of the general will: an implicit will of collectives, a declared will of assemblies, and a personal will toward the common good. Where his *Discourse on Political Economy* uses only the first conception, the *Social Contract* and its unpublished "Geneva Manuscript" turn to the second and third. I argue that Rousseau's mature account in the *Social Contract* grounds legitimacy on the capacity of citizens to declare their common good through deliberation and the exercise of private discernment. This finding helps resolve a long-standing interpretive impasse between "formal" and "transcendent" accounts of the general will and illumines the role of democratic sovereignty in the *Social Contract*.

Jean-Jacques Rousseau's *Social Contract* concludes that citizens must enact their common good through deliberation and private discernment. This reflects a genuine evolution in Rousseau's thought. Across three texts—his *Discourse on Political Economy* of 1755,[1] the early[2] "Geneva Manuscript" of the *Social Contract*, and the *Social Contract* published in 1762—Rousseau introduces three distinct conceptions of the general will: an implicit will of collectives, a declared will of assemblies, and the will in each citizen directed toward a common good. Where *Political Economy* describes only an implicit will

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[1]Textual citations are provided for Rousseau's collected works in English and French: first to *The Collected Writings of Jean-Jacques Rousseau*, ed. Christopher Kelly and Roger D. Masters (Hanover, NH: University Press of New England, 1990–2009); and then, for the central texts, to *Œuvres complètes* (*OC*), ed. B. Gagnebin and M. Raymond (Paris: Pléiade, 1959–1995). Abbreviations for the most cited works are as follows: *PE* = *Discourse on Political Economy*; GM = "Geneva Manuscript"; *SC* = *On the Social Contract*; *E* = *Émile*; *LM* = *Letters Written from the Mountain*.

[2]Though its dates are disputed, the "Manuscript" was likely begun soon after *Political Economy*; the direct refutation of Diderot is suggestive. See Robert Derathé's notes in *OC* 3:lxxxii–lxxxix.

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detached from deliberation, the *Social Contract* integrates all three conceptions and grounds legitimacy on a declaration drawn from personal general wills.

This article names and recovers Rousseau's three conceptions for the first time, and in so doing helps to resolve a long-standing impasse between two dominant readings of the general will: one emphasizing the general will's formal constraints, another claiming that it must align with certain transcendent values. Both readings overlook how Rousseau draws his formal and substantive constraints entirely from the personal general will. If the declared general will is always right—if it aligns positive right with eternal justice—this is because it always and only wills the good of each. The general will is not just any declared will; it must be drawn from that subset of our interests aimed at common ends.

These findings shed new light on the deliberative and democratic processes described in the *Social Contract*. Rousseau's status within democratic theory remains disputed. John P. McCormick has forcefully argued that Rousseau "is no democrat,"[3] and for much of the twentieth century scholars foregrounded Rousseau's supposed totalitarianism.[4] Others, such as Richard Tuck, find in Rousseau "the first great theorist of democratic politics,"[5] and Joshua Cohen has stressed the distinctly participatory nature of Rousseau's thought.[6] My account reinforces these democratic readings with an explanation of how a "union of understanding and will" (*SC* 154; 3:380) undergirds deliberation. Rousseau's assemblies are designed to promote shared reason, encouraging citizens to propose motions, weigh evidence, and enact the measures they judge to promote the common good. Deliberation also refines how

[3]John P. McCormick, *Reading Machiavelli: Scandalous Books, Suspect Engagements, and the Virtue of Populist Politics* (Princeton: Princeton University Press, 2018).

[4]"At the present time, Hitler is an outcome of Rousseau; Roosevelt and Churchill, of Locke," writes Bertrand Russell in *A History of Western Philosophy* (New York: Simon & Schuster, 1945), 685. See also Robert A. Nisbet, "Rousseau and Totalitarianism," *Journal of Politics* 5, no. 2 (1943): 93–114; J. L. Talmon, *The Origins of Totalitarian Democracy* (London: Secker & Warburg, 1952); John W. Chapman, *Rousseau, Totalitarian or Liberal?* (New York: Columbia University Press, 1956).

[5]Richard Tuck, "Rousseau and Hobbes: The Hobbesianism of Rousseau," in *Thinking with Rousseau: From Machiavelli to Schmitt*, ed. Helena Rosenblatt and Paul Schweigert (Cambridge: Cambridge University Press, 2017), 37–62. See also Kevin Inston, *Rousseau and Radical Democracy* (New York: Continuum, 2010); Matthew Simpson, *Rousseau's Theory of Freedom* (London: Bloomsbury Academic, 2006); James Miller, *Rousseau: Dreamer of Democracy* (New Haven, CT: Yale University Press, 1984).

[6]Joshua Cohen, *Rousseau: A Free Community of Equals* (Oxford: Oxford University Press, 2010). See also Zev M. Trachtenberg, "Rousseau's Platonic Rejection of Politics," in *Rousseau and the Ancients*, Pensée Libre 8 (North American Association for the Study of Jean-Jacques Rousseau, 2001), and David M. Estlund, *Democratic Authority: A Philosophical Framework* (Princeton: Princeton, 2009). Céline Spector connects this approach to a personal general will in *Rousseau: Les paradoxes de l'autonomie démocratique* (Paris: Michalon, 2015).

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citizens discern that common good, and in this Rousseau offers a model of the democratic mind yet to be fully explored.

The article proceeds in five parts. After surveying the literature in part 1, I explore the unique argument of *Political Economy* in part 2, paying particular attention to Rousseau's emphasis on the implicit general will of polities. Part 3 shows how Rousseau revises that argument in the "Geneva Manuscript" and, in the process, destabilizes all three conceptions. Part 4 describes how the *Social Contract* reestablishes legitimacy in the discernment and will of citizens. I conclude by identifying two implications of my account for Rousseau scholarship.

1. Two Interpretations of the General Will

Two camps emerge on whether the formal constraints described in the *Social Contract* are enough to realize the general will.[7] Those constraints are relatively straightforward and reflect different forms of generality:[8]

> Of source: each citizen voices their own opinion in an assembly from which none are excluded.[9]
> Of subject: motions considered by the assembly are restricted to matters affecting all.[10]
> Of application: the law must apply to all and aim at a common good.[11]

Some find these sufficient for the general will's expression. Roger Masters describes the general will as "a formal requirement which must be fulfilled by the laws which constitute any legitimate regime."[12] John T. Scott argues that Rousseau "abandons all *substantive* standards of justice and

[7]For a full survey of this interpretive divide, see David Lay Williams, "The Substantive Elements of Rousseau's General Will," in *The General Will: The Evolution of a Concept*, ed. David Lay Williams and James Farr (Cambridge: Cambridge University Press, 2015), 219–46. I adapt Williams's distinction between formal and "substantive" accounts by incorporating Christopher Bertram's "transcendent" framing from "Rousseau's Legacy in Two Conceptions of the General Will: Democratic and Transcendent," *Review of Politics* 74, no. 3 (2012): 403–19.

[8]I follow Melissa Schwartzberg, who has identified a "double-generality" constraint of object and source, though I have found it profitable to further divide Schwartzberg's object generality into generality of subject and of application. See Melissa Schwartzberg, "Rousseau on Fundamental Law," *Political Studies* 51, no. 2 (2003): 387–403. Other helpful descriptions of formal constraints include Gopal Sreenivasan, "What Is the General Will?," *Philosophical Review* 109, no. 4 (2000): 545–81; Richard Boyd, "Rousseau and the Vanishing Concept of the Political?," *European Journal of Political Theory* 12, no. 1 (Jan. 2013): 74–83.

[9]*SC* 149; 3:373. See also *SC* 201; 3:441.

[10]*SC* 149; 3:373–74. See also *SC* 152–54; 3:378–79 and *LM* 232; 3:808

[11]*SC* 145; 3:368

[12]Masters, *Political Philosophy of Rousseau*, 327–28.

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law."[13] Leo Strauss finds the general will so devoid of normative content that "cannibalism is as just as its opposite,"[14] and Tuck has recently emphasized the power of the simple vote in establishing the general will.[15] All of these formal readings locate the general will's uprightness in a set of procedures and aims.

Formal readings struggle, however, to reconcile Rousseau's positivism with the fact that popular judgment is "not always enlightened" (*SC* 154; 3:380). The people can err. Their votes can be procedurally legitimate but substantively illegitimate. This has led scholars to seek what Christopher Bertram calls a "transcendent fact of the matter" as to what assemblies should choose.[16] On these "transcendent" accounts, law is legitimate only when it is normatively correct. The nature of this correctness varies. Some take the general will to exist "out there." Jacob Talmon finds in the concept a "mathematical truth or Platonic ideal," while Jon Mandle posits a "hypothetical outcome of an idealized assembly."[17] Others see a commitment to certain principles. Judith Shklar identifies a "will against inequality."[18] David Lay Williams observes across Rousseau's work a conformity to "an eternal idea of justice," leading Williams to conclude that "an objective or even transcendent conception of justice is part of the core meaning of the general will."[19] Transcendent accounts maintain that the general will is always right because it embodies right values.

Both approaches capture something essential about the general will. Formalists rightly observe that legitimacy in the *Social Contract* is always and only a matter of voting. Rousseau gives no mechanism by which to check an assembly's decision against an external standard of right. Indeed—in a vital phrase—he finds that the laws "merely record our wills" (*SC* 153; 3:379).[20] "And what is a Law?" he asks in *Letters Written from the Mountain*. "It is a public and solemn declaration of the general will, on an object of common interest" (*LM* 232; 3:807–8). Yet Shklar and Williams are also right to note that the general will always tracks certain values. By definition it cannot be unjust (*LM* 231; 3:807). Rousseau stresses that the general will tends toward "the preservation and welfare of the whole and each part"

[13]John T. Scott, "Politics as the Imitation of the Divine in Rousseau's Social Contract," *Polity* 26, no. 3 (March 1994): 490–91. Emphasis in original.

[14]Leo Strauss, *An Introduction to Political Philosophy*, ed. Hilail Gildin (Detroit: Wayne State University Press, 1975), 53.

[15]Most notably in "Active and Passive Citizens" (YTL lecture, King's College London, London, Jan. 23, 2019). But see also his *The Sleeping Sovereign: The Invention of Modern Democracy* (Cambridge: Cambridge University Press, 2016).

[16]Bertram, "Rousseau's Legacy," 406.

[17]Talmon, *Origins of Totalitarian Democracy*; Jon Mandle, "Rousseauian Constructivism," *Journal of the History of Philosophy* 35, no. 4 (1997): 545–62.

[18]Shklar, *Men and Citizens*, 184.

[19]Williams, "Substantive Elements," 227.

[20]See also *LM* 232.

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(*PE* 143; 3:245), toward "equality" (*SC* 145; 3:368) and "the public utility" (*SC* 147; 3:371). This suggests that the will does contain fixed content.

Rousseau's three distinct conceptions of the general will help us to resolve this apparent impasse. These conceptions address different agents, the will of the body politic operating differently from that of the assembly or individual. Rousseau's first discussion of the *volonté générale* in *Political Economy* postulates an implicit will of associations to promote the good of their members. Crucially, the text employs only this conception. Nowhere does it describe a general will shaped by popular expression or debate. Indeed, Rousseau even imagines "the large town of the world"—which could never gather to deliberate—acting as a body politic in which "the law of nature is always the general will" (*PE* 143; 3:245).

The "Geneva Manuscript" and the *Social Contract* introduce two new conceptions. One is the general will declared by an assembly. When "the qualities of the general will are still in the majority" (*SC* 201; 3:441) that majority's vote must be the general will. Rousseau also identifies a personal general will that each citizen finds "within himself" that is directed toward the common good (*SC* 199; 3:438; see also GM 79; 3:286). This public-spirited will checks a "particular will" bent toward private gain. Personal general wills are the source of the assembly's declared will and become the foundation of legitimate law.

Rousseau's shifting usage reflects a broader incompatibility between *Political Economy* and the *Social Contract*. Interpreters often take the former to reflect Rousseau's considered views; Williams takes as definitive the claim in *Political Economy* that leaders "need only be just in order to be sure of following the general will" (*PE* 148; 3:251).[21] The difficulty, as we shall see, is that one searches in vain for such comments in later works. There are other gaps. The idea of a general will of humanity is rejected outright in the "Geneva Manuscript" and never mentioned in the *Social Contract*. *Political Economy* never alludes to moral freedom or a general will possessed by individuals, while the *Social Contract* would be unrecognizable without these. Rousseau's use of a single phrase—the general will—to describe three discrete forms of volition has obscured the development of his thought between texts.

2. Transcendence in *Political Economy*

The general will of *Political Economy* is unique in two respects: it is an implicit feature of the body politic (rather than a possession of individuals), and deliberation is neither necessary nor sufficient for its expression. Rousseau's chief concern is that rulers be able to learn and legislate from this general will, though, as we shall see, even they need not know the general will so long as their actions align with its aims. Rousseau credits the "great and luminous

[21]Williams, "Substantive Elements," 227.

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principle" (*PE* 143; 3:245) of the general will to Denis Diderot's essay *Droit naturel*, published in the same 1755 edition of the *Encyclopédie* as Rousseau's essay. That reference reflects more than collegiality: Diderot's influence pervades Rousseau's early political writings, first as inspiration and then as foil. But Diderot's general will never earns its name; it is general, but it is never shown to be willed. Patrick Riley rightly remarks that Diderot's earlier talk of a *morale universelle* better captures the concept's significance in guiding moral reflection.[22] It is everywhere comprehensive and comprehensible, found in the laws and practices of both "civilized" and "barbarian" peoples and even in the "tacit conventions of the enemies of the human race."[23] It functions as a "pure act of the understanding . . . in the silence of the passions," without which concepts of goodness, justice, humanity, and virtue remain opaque.[24] For Diderot, the general will illuminates.

In *Political Economy* Rousseau accepts all of this. But he adds a key innovation: where Diderot had seen only the will of the human race, Rousseau finds that every association has a general will. In "the large town of the world" there is, he agrees, a "law of nature [that] is always the general will" (*PE* 143; 3:245), but this global society is just the largest of many nested associations, each with a will that is general toward members and particular toward outsiders. The human race itself thus has a general will—and so does every collectivity within it.

While Diderot and Rousseau agree that the general will offers an implicit standard of right, Rousseau doubts its efficacy. In the absence of positive law, universal right is weakly motivating and dimly perceived. "The feeling of humanity evaporates and weakens as it is extended over the whole world" such that "interest and commiseration must in some way be confined or compressed to be activated" (*PE* 151; 3:254). Leaders must therefore make the people love the fatherland and the freedom of its laws (*PE* 152; 3:255). Rousseau's epistemic concern presents more difficulty. Diderot had claimed that even brigands can consult the general will. Rousseau demurs. To follow the general will, "it must first be known" and "above all well distinguished from the private will, starting with one's own, a distinction that is always extremely difficult to make and on which only the most sublime virtue can shed sufficient light" (*PE* 145; 3:247–48). *Political Economy* gives this task of discernment not to citizens but to their leaders. This passage, like so much of the text, is directed toward authorities. Rousseau reinforces this at the end of the paragraph just cited, when he notes that it is "through law alone that leaders must speak when they command; for as soon as a man claims to

[22]Patrick Riley, "Rousseau's General Will," in *The Cambridge Companion to Rousseau*, ed. Patrick Riley (Cambridge: Cambridge University Press, 2001).

[23]Denis Diderot, "Natural Right," in *Discourse on the Origins of Inequality (Second Discourse), Polemics, and Political Economy*, ed. Roger D. Masters and Christopher Kelly (Hanover, NH: Dartmouth College Press, 1993), 138.

[24]Ibid.

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subject another to his private will independently of the laws, he immediately leaves the civil state" (*PE* 145; 3:249). And even executive discernment may be optional as "leaders know very well that the general will is always for the side most favorable to the public interest—that is, for the most equitable; so that it is only necessary to be just and one is assured of following the general will" (*PE* 148; 3:251). A statesman could dispense entirely with the work of discerning the general will so long as he acts, by instinct or accident, in accordance with justice.

Can we harmonize this account with that of the *Social Contract*? *Political Economy* is a thoroughly republican text—the vox populi is the vox dei—but popular deliberation is given no essential role in either expressing or enacting the general will. If Rousseau can posit the general will of a human race which could never assemble, there can be no necessary bond between deliberation and the general will. Even near the end of the text, where he mentions in passing that taxation should be decided "through a general will, by majority vote" (*PE* 163; 3:270), this simply expresses "the *consent* of the people *or* its representatives" (*PE* 163; 3:270; emphasis mine), and does nothing to establish the necessity of popular deliberation.

Rousseau also emphasizes the insufficiency of deliberation: "An assembly is all the less necessary because it is not sure its decision would be the expression of the general will . . . and because it is rarely necessary when the government is well intentioned" (*PE* 148; 3:250–51). To reconcile this position with later texts, we would need to show that variations were merely rhetorical. Perhaps Rousseau simplified for the lay readers of the *Encyclopédie*, or simply suppressed his more radical views on citizen agency. Or perhaps, as Robert Derathé suggests, his explicit focus on government (rather than sovereignty) explains his attention to executive power and inattention to the agency of citizens (*PE* 142; 3:244).[25] Perhaps the arguments of *Political Economy* only sound different.

Yet the logic of the texts rejects such reconciliation. As noted, popular deliberation in *Political Economy* is neither necessary nor sufficient for the general will's expression: unnecessary because executives can independently discern it and because associations can be too scattered to deliberate; insufficient because assemblies err.[26] The *Social Contract*, by contrast, finds suitably situated deliberation to be both necessary and sufficient in a well-ordered society, such that the general will is known when and only when the people declare it. Assuming "the qualities of the general will are still in the majority" (*SC* 201; 3:441)—a key caveat—the majority's vote is always conclusive.

[25]Editor's introduction, *OC* 3:lxxiv–lxxvii.

[26]Assemblies are fallible in the *Social Contract* too, but there Rousseau advances the possibility that a deliberative body can, on its own, identify and express its general will. Put simply, where *Political Economy* notes only insufficiency, the *Social Contract* describes a qualified sufficiency discussed below.

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We should expect such contradictions since *Political Economy* is no contractarian text. Like the *Social Contract* it relies on a *législateur* to make society well ordered, but *Political Economy* also requires this figure to enact laws. Leaders can be oblivious of the polity's implicit general will so long as justice obtains. The laws must reshape wills to make men "what one needs them to be." Newborns must "learn to deserve to live" (*PE* 155; 3:260). Not by coincidence does this essay feature Rousseau's strongest use of the body politic metaphor in which men become mere appendages, their identity lost; not by accident is Sparta invoked in the same breath (*PE* 143; 3:245).[27] The text largely ignores citizen agency and never mentions the moral freedom made possible through rightful contract. We are far here from taking men as they are.

Like Rousseau's subsequent works, *Political Economy* links legitimate law with the general will. It also makes a case for wise leadership. But this text remains unique in claiming that the general will exists beyond public declaration and can be enacted by authorities who need not even know it. Both claims were soon abandoned.

3. The Transitional "Geneva Manuscript"

Masters has noted that in "the first draft of the *Social Contract*, it had been quite clear that the 'general will' was a modern version of a Platonic 'Idea' or 'Form.'"[28] This is certainly the text's dominant conception, but not its only one. The "Geneva Manuscript" preserves an experimental moment in Rousseau's thought that locates legitimacy in both the implicit will of the polity and the declared wills of individuals. This section examines two of the text's singular features: its introduction of the remaining two conceptions of the general will, and its conflicted account of the legislator's epistemic authority. In borrowing his account of law from *Political Economy*, Rousseau gives the Legislator too much epistemic authority, and his revisions to the "Geneva Manuscript" suggest that he wished to avoid this in the *Social Contract* by grounding legitimacy in citizen discernment and will. We revisit the draft, then, both for its idiosyncratic account of political right and to see why Rousseau was right to reject it.

The unpublished manuscript gives familiar concepts unfamiliar forms. Its rendition of the social contract requires placing one's will under the general will (GM 82–83; 3:96–97). Wholly different is the "fundamental problem" it aims to solve (GM 82–83; 3:96–97). The text never names moral freedom. These differences make it all the more surprising that there exists no comprehensive study comparing Rousseau's published and unpublished drafts. C. E.

[27]Shklar rightly calls *Political Economy* Rousseau's "most rigorously Spartan utopia" (*Men and Citizens*, 16). See also Alexandra Oprea, "Pluralism and the General Will: The Roman and Spartan Models in Rousseau's *Social Contract*," *Review of Politics* 81, no. 4 (2019): 573–96.

[28]Masters, editor's introduction, in *SC*, xxi.

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Vaughan's view in 1915 that the differences between texts are functionally "of no great importance" remains widely accepted, such that Robert Wokler could argue that the "style and form" of the text was the source of its unsuitability.[29] Stylistic explanations do not withstand scrutiny, however, for just as the argument of the "Manuscript" contradicts *Political Economy*, so too does much of the *Social Contract* contradict the "Manuscript." Indeed, not a single chapter of the "Manuscript" was left unchanged for publication.

Rousseau's great discovery in the "Manuscript" is that the general will must be understood and expressed by citizens. Though he now rejects outright the general society of mankind entertained in *Political Economy* (GM 81; 3:288), he retains that text's Diderotian universal morality. Quoting directly from Diderot's *Droit naturel*, Rousseau claims that no one will deny that "the general will in each individual is a pure act of the understanding, which reasons in the silence of the passions about what man can demand of his fellow man and what his fellow man has the right to demand of him" (GM 80; 3:286). But he doubts its efficacy for the two reasons already present in *Political Economy*. It cannot motivate: "It is false that in the state of independence, reason leads us to cooperate for the common good out of a perception of our own interest" (GM 79; 3:284). Natural man must be shown "how his personal interest requires his submission to the general will" (GM 80; 3:286). The epistemic obstacles are even more insurmountable, for outside civil society "it would be impossible for him ever to apply these principles with certainty in a state of things that would not allow him to discern [*discerner*] either good or evil, either the decent man or the wicked one" (GM 77; 3:282). This faculty of discernment is itself formed through the experience of citizenship:

> Since the art of generalizing ideas in this way is one of the most difficult and belated exercises of human understanding, will the average man ever be capable of deriving his rules of conduct from this manner of reasoning? And when it would be necessary to consult the general will concerning a particular act, wouldn't it often happen that a well-intentioned man would make a mistake about the rule or its application, and follow only his own inclination while thinking he is obeying the law? What will he do, then, to avoid error? Will he listen to the inner voice? But it is said

[29]See Vaughan's introduction in *The Political Writings of Jean Jacques Rousseau*, ed. Charles Edwyn Vaughan (Cambridge: Cambridge University Press, 1915), 20; Robert Wokler, "The Influence of Diderot on the Political Theory of Rousseau: Two Aspects of a Friendship," in *Studies on Voltaire and the Eighteenth Century* 132 (Oxford: Voltaire Foundation, 1975), 21. Elsewhere, Charles Hendel and Patrick Riley both offer useful comparisons but identify no distinctions among conceptions in Charles William Hendel, *Jean-Jacques Rousseau: Moralist* (Oxford: Oxford University Press, 1934) and Riley, "Rousseau's General Will." See also Michel Launay, *Jean-Jacques Rousseau: Écrivain politique (1712–1762)* (Paris: Éditions Slatkine, 1989), and Robin Douglass, *Rousseau and Hobbes: Nature, Free Will, and the Passions* (Oxford: Oxford University Press, 2015).

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> that *this voice is formed only by the habit of judging and feeling within society and according to its laws*. It cannot serve, therefore, to establish them. (GM 80; 3:286–87; emphasis mine)

Individuals—and not, as in *Political Economy*, leaders alone—are now tasked with "generalizing ideas" and discerning the boundaries of particular and general wills, exercising a faculty formed through the habit of "judging and feeling within society." The published *Social Contract* will further elaborate the role of these in deliberation.

This passage also reflects the jurisprudential cast of the general will in the "Manuscript." Rousseau ends the text's first section by asking how the implicit general will is discovered: "Will it always be evident? Will the illusions of private interest never obscure it? Will the people always remain assembled to declare it, or will they rely on private individuals who are ever ready to substitute their own interest?" (GM 98; 3:309–10). Only the law can satisfy such concerns. In a rhapsodic passage copied almost verbatim from *Political Economy*, Rousseau praises law as the "most sublime of all human institutions." Law rectifies weak wills by "subjugat[ing] men in order to make them free." It enlightens their understanding by acting as a "celestial voice that tells each citizen the precepts of public reason, and teaches him to behave according to the maxims of his own judgment."[30] "It is not enough for everyone to be subject to the general will," Rousseau concludes. "To follow it, one must know it" and from this epistemic demand arises "the necessity for Legislation" (GM 99; 3:310).

Here we encounter the draft's unresolved dilemma, for if the law already embodies the general will, the potential circularity is obvious: the effect needs to provide its own cause, the "blind multitude" must write laws according to principles they do not yet see (GM 103; 3:317). To avoid this, Rousseau introduces the Legislator. The "Manuscript" explicitly restricts his godlike authority to drafting the laws and directing the general will itself by persuasion (GM 103; 3:317). And yet this introduces a new problem: if the general will is revealed only through his laws, then the people will have no other access. In effect his laws simply become the citizens' general will. Either the Legislator assumes complete epistemic authority over the general will, or citizens must have another source by which to discern its outlines.

The epistocratic possibilities clearly trouble Rousseau.[31] In one of the most heavily edited passages of the "Manuscript,"[32] he wonders whether a polity

[30]As I have noted, nowhere in the "Manuscript" does Rousseau name moral freedom (on which see part 4 below), but the notion of binding one's will to one's highest good is clearly operative here and in *Political Economy*.

[31]The term is David Estlund's and denotes "rule by the wise." See Estlund, *Democratic Authority*, 29. It captures well the thrust of Rousseau's position in the "Manuscript."

[32]The eighth through eleventh paragraphs were excised for publication; much of the chapter's conclusion is scratched out in the document itself (*SC* 100n26).

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could refuse rulership "to someone who is known to be the master and in whom are combined the public confidence and force" (GM 101; 3:314). If such a figure were given rule, subjection would be "conditional" on this rulership remaining "for the good of all," with the people being vigilant as to "whether the will of the Prince really is the general will, a question of which the People is the sole judge" (GM 102; 3:315). Yet these assurances assume that the people can exercise independent judgment and can recognize their good outside the lawgiver's persuasion. But as we have seen, in the "Manuscript" his powers allow for no such independence, no Archimedean point for evaluation or critique. Everything the people know of the general will has been conditioned by the Legislator and his laws.

This dilemma highlights two of the text's essential features. First, it reveals Rousseau's increasing interest in citizen agency. Earlier in the text he had, for the first time, identified a general will "in each individual" (GM 79; 3:286) such that "each individual can, as a man, have a particular will contrary to or differing from the general will he has as a Citizen" (GM 84; 3:364).[33] In the chapter on the Legislator he asserts that "today's law should not be an act of yesterday's general will, but of today's, and we have engaged ourselves to do not what everyone has willed, but what everyone now wills" (GM 103; 3:316). This last phrase—"what everyone now wills"—underscores the text's new perspective. In the *Encyclopédie*, neither Diderot nor Rousseau had shown interest in personal volition. Now Rousseau's citizens possess and enact their general wills. These notes of personal agency are rare in the "Manuscript" and sit awkwardly beside the powers of the Legislator, but when carried through to the published edition they form a familiar refrain.

Second, Rousseau must have found defective the draft's epistocratic potential. He discards long passages invoking an implicit general will: the early chapter challenging Diderot's formulation (GM I.2); the section claiming that the general will is known only through law (GM I.7); the treatment of the lawgiver just discussed (GM II.2); a passage from II.4 introducing a "rational natural right" that provides a "fundamental and universal law of the greatest good of all" (GM 113–14; 3:329–30). Each edit cuts off a potential route by which the general will could be known outside deliberation.

We find further evidence in the material added or reworked for publication. Even Rousseau's minor edits suggest greater individual agency: the revised "fundamental problem" adds that each "obeys only himself," and the contract no longer requires putting one's will under the general will.[34] The discussion of alienated sovereignty in the *Social Contract* now reads as if written to explicitly reject epistocracy: "I say, therefore, that sovereignty, being only the exercise of the general will, can never be alienated, and that the sovereign, which is only a collective being, can only be represented by itself. Power

[33]Here and below I amend the translation of *volonté particulier* so that "particular will" replaces the less precise "private will" used in the *Collected Writings* edition.

[34]Compare GM 83 (3:290) with *SC* 138 (3:360) and GM 83 (3:290) with *SC* 139 (3:360).

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can perfectly well be transferred, but not will" (*SC* 145; 3:368). In the "Manuscript" this chapter (I.4) had raised the possibility of epistocratic rule; now the *Social Contract* cuts off such possibilities. This new formulation remains compatible with Rousseau's preference for aristocratic or epistocratic *government*.[35] But while governing authority can be transferred, sovereignty cannot, for if "the people promises simply to obey, it dissolves itself by that act; it loses the status of a people. The moment there is a master, there is no longer a Sovereign, and from then on the body politic is destroyed" (*SC* 145; 3:269). Whatever his doubts about democratic government, Rousseau's views on sovereignty are thoroughly democratic.

Finally, consider the Legislator. In the *Social Contract* we find his task somewhat softened: he no longer must take "all" men's forces or "mutilate" their constitutions.[36] With Rousseau's removal of the passage from *Political Economy* on law, the lawgiver's purview extends only to making society well ordered, helping citizens generalize their wills and grasp their interdependence. Emphasizing this further circumscription of authority, Rousseau adds to the published edition that "even the Decemvirs never took upon themselves the right to have any law passed solely on their authority. *Nothing that we propose*, they said to the people, *can become law without your consent*" (*SC* 156; 3:382; emphasis in original). These revisions do not erase the Legislator's power, but they do buttress the constraints on his influence. After the founding, citizens must discern their good through deliberation alone.

In sum, the "Manuscript" offers a suggestive snapshot of Rousseau's evolving uses for general wills. The text shows far more attention to citizen agency than had *Political Economy* and marks Rousseau's shift to a contractarian account of legitimacy. Like the *Social Contract*, it asserts that citizens must know and will their common good. But where the "Manuscript" relies exclusively on the Legislator and his decrees to provide such knowledge, the *Social Contract* will describe a system of deliberations constrained to generality.

4. The Personal Will of the *Social Contract*

The distance between the "Manuscript" and the *Social Contract* can be measured in a single clause: where the former reads "The general will is always right; it is never a question of correcting it. But it is necessary to know how to consult it properly" (GM 99; 3:311), the latter claims that "The general will is always right, but the judgment that guides it is not always enlightened"

[35]"It is the best and most natural order for the wisest to govern the multitude, as long as it is certain that they govern for its benefit and not for their own" (*SC* 175; 3:407).

[36]Compare GM 101 (3:313) with the final text which reads "alter [*altérer*] man's constitution" (*SC* 155; 3:381).

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(*SC* 154; 3:390). Here the general will derives not from wise laws, but from personal judgments formed and tempered in deliberation.

The *Social Contract* goes further than the "Manuscript" in examining the general will that each citizen finds "within himself" (*SC* 199; 3:438). Indeed, here Rousseau grounds legitimacy exclusively in the public declaration of personal general wills. It also sketches the institutions needed to publicly declare a general will.[37] Rousseau's new position is not without costs. He must show how fallible citizens can consult and will their general wills, and must name the institutional and social constraints powerful enough to ensure that the deliberations of a well-ordered polity always enact a general will. His account proceeds in two stages: first showing how the general will can in principle be derived from individual interests; then identifying the institutions needed for citizens to carry out such work in practice. Indeed, Rousseau grounds these arguments entirely in common interests. Once a society is well ordered, the people need neither natural laws nor epistemic authorities for the ongoing declaration of the general will. The deliberative settings outlined in the *Social Contract* allow citizens to refine their judgment, express their general wills, and experience moral freedom.

Rousseau begins by modeling the implicit general will. His infamous mathematical metaphor attempts to bring analytical rigor to the implicit will posited in *Political Economy*. The task is to find what individuals objectively share: "There is often a great difference between the will of all and the general will. The latter considers only the common interest; the former considers private interest, and is only a sum of particular wills. But take away from these same wills the pluses and minuses that cancel each other out, and the remaining sum of the differences is the general will."[38] Suppose that a polity needs a turnpike and must decide how to pay for it. Each citizen's will has two elements: a particular will bent toward free riding, and a general will favoring an equitably shared burden. From these we can infer the outcomes of various decision procedures. Begin with the "will of all,"[39] which considers only each person's desire to free ride. Under pure majority rule, the first proposal to let most people free ride will win. But suppose that we put each particular will to a vote: Citizen Jones proposes that she free ride at our expense, Citizen Perez proposes that he do the same, and so on.

[37]See also the line carried over from the "Manuscript" describing a "general will he has as a Citizen" (*SC* 141; 3:363); Rousseau's tripartite division of the will of magistrates in III.2 and III.5; and his observation that the general will is also "the steady will of all the members of the State" (*SC* 200; 3:440).

[38]*SC* 147–48; 3:371. Translation amended (see note 33 above). Among the panoply of interpretations of this passage, a compelling alternate reading can be found in Hilail Gildin, *Rousseau's "Social Contract": The Design of the Argument* (Chicago: University of Chicago Press, 1983).

[39]Here Rousseau uses "the will of all" in a technical sense. Later in book IV he will note that the general will itself is held by all.

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So long as everyone else continues to vote in their own interest—and forms no coalitions—all such proposals will fail. Particular wills thus "cancel" each other out. Only the set of general wills remains. These differ only in indexicality: I want the equitable burden primarily for my benefit, you want it for your benefit, and so on. Sum these small remaining differences to find the polity's general will.

Yet such abstractions are useless for real politics. The implicit general will cannot be made explicit. No citizen has the omniscience to deduce it, and no decision procedure could reliably express it.[40] Rousseau's solution to the fundamental problem must fit the limits of human understanding and will. He thus elaborates, in passages scattered throughout books II and IV, a model of deliberation in which the general will is expressed when and only when citizens pronounce judgment on whether a proposal is good for each. Citizens must discern the common good for themselves and have strength of will to vote for it. Procedural constraints aid this effort by promoting generality:

> If, when an adequately informed people deliberates, the Citizens were to have no communication among themselves, the general will would always result from the large number of small differences, and the deliberation would always be good. . . . In order for the general will to be well expressed, it is therefore important that there be no partial society in the State, and that each Citizen give only his own opinion. (*SC* 147–48; 3:371–72)

Rousseau summarizes in book IV: "Each one expresses his own opinion . . . by voting, and the declaration of the general will is drawn from the counting of the votes" (*SC* 201; 3:441). A fuller understanding of these compressed comments requires that we examine in more detail the nature of the common good, the quality of citizens' opinions, and the purposes of deliberation.

Rousseau finds that "what generalizes the will is not so much the number of votes as the common interest that unites them" (*SC* 149; 3:374). He never defines the "common good" or "common interest" and uses the two terms interchangeably. He claims that "the greatest good of all" consists in "these two principal objects: *freedom* and *equality*" (*SC* 162; 3:391; emphasis in original), but this is too nebulous, and the "greatest good" (*le plus grand bien*) suggests a ranking absent from the "common good" (*le bien commun*). Far more helpful are his comments on how common interests are perceived: "For if the opposition of private interests made the establishment of societies necessary, it is the agreement of these same interests that made it possible. It is what these different interests have in common that forms the social bond, and if there were not some point at which all the interest are in agreement, no

[40]See Gerald Gaus's treatment of Arrovian impossibility in "Does Democracy Reveal the Voice of the People? Four Takes on Rousseau," *Australasian Journal of Philosophy* 75, no. 2 (June 1997): 141–62.

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society could exist" (*SC* 145; 3:368). The common good denotes the set of shared interests. It is perhaps a small set—Rousseau remarks in *Émile* that "what particular interests [*intérets particuliers*] have in common is so slight that it will never outweigh what sets them in opposition"[41]—but the force of these interests is enough to make the contract both desirable and feasible. That contract sets the limit of legitimate law at the common good. Laws must be good for each.

Citizens opine on whether a proposal "does or does not conform to the general will that is theirs" (*SC* 201; 3:441). I have been using "discernment" to designate the faculty needed to judge these matters, since to evaluate conformity, one must first be a competent judge of one's own good and that of others. My usage follows Rousseau's choice of *discerner* to denote such powers of discrimination; we have seen how the "Manuscript" makes physical security a prerequisite of the ability "to discern either good or evil, either the decent man or the wicked one" (GM 77; 3:282).[42] In turning to politics, *Political Economy* had stressed the near impossibility—even in civil society—of making such distinctions, which are "always extremely difficult to make and on which only the most sublime virtue can shed sufficient light" (*PE* 145; 3:247–48). The *Social Contract* adds nuance. Prior to the Legislator's work, man "has difficulty perceiving the advantages he should obtain from the continual deprivations imposed by good laws" (*SC* 156; 3:383). After society is well ordered—once the general will becomes the ordering principle of law—conditions change. Under ideal conditions the common good "is clearly apparent everywhere, and requires only good sense to be perceived" (*SC* 198; 3:437). Yet even when the state is near collapse, when "the basest interest brazenly adopts the sacred name of the public good" (*SC* 198; 3:438), some element of discernment persists. The citizen "sees perfectly well" that his good is bound to others' and therefore "wants the general good in his own interest" (SC 199; 3:438). The contents of that general good have simply become harder to know.

Discernment, then, requires certain epistemic conditions. Rousseau's formal constraints provide just such an environment. To know what is good for each, one must have trustworthy data. When citizens present opinions in good faith, each draws on knowledge of their own good, the good of their kith and kin, and the common good. The "large number of small differences" maximizes the data available to deliberators. If factions form, however, "there are no longer as many voters as there are men, but merely as many as

[41]*E* 480; 4:633. Translation amended (see note 33 above).

[42]Similar uses can be found across his works. In the *Discourse on the Virtue Most Necessary for a Hero* Rousseau claims that "everything is great and generous in a strong soul, because it knows how to distinguish [*discerner*] the beautiful from the specious, reality from appearance, and to fasten on its object with that firmness that removes illusions" (10), and in *Julie* we are told that God has "given us reason to discern what is good, conscience to love it, and freedom to choose it" (561).

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there are associations" (*SC* 147; 3:371–72). Discrete opinions are cloaked by coalitions. Votes are now decided not by collective judgment but by numerical force. Partial societies degrade the available information and must be suppressed, even to the point of restricting communication among deliberators.

The "no communication" clause has been the source of much confusion. Interpreters often take this to require something approaching silence; perhaps Rousseau even hopes to banish discourse entirely.[43] Nothing in the present argument hinges on whether political discussion occurs within or without the assembly; it is enough that Rousseau makes the assembly a site of citizen judgment and agency.[44] But the *Social Contract* and later works resist an interpretation that restricts all communication. Rousseau is not averse to dialogue. Indeed, after arguing against factions, he proceeds in the next chapter to treat *délibérations* and *discussion* in parallel (SC 149; 3:374). Cohen has highlighted Rousseau's indicative, if not dispositive, comments decrying Genevan restrictions on the right of citizens to voice opinions.[45] And in a footnote to his subsequent *Letters Written from the Mountain*, Rousseau defines his terms so as to require dialogical communication:

> *To Deliberate*, *To Give an Opinion*, *To Vote*, are three very different things that the French do not distinguish enough. *To Deliberate* is to weigh the pro and the con; *To Give an Opinion* is to state one's advice and to give the reasons for it; *To Vote* is one's suffrage, when nothing is left to do but to collect the votes. First the matter is put into deliberation. On the first round one gives one's opinion; one votes on the last round. (*LM* 253; 3:833; emphasis in original)

Deliberation names the entire process of collective "weighing," from the "first round" of reason giving to the "last round" of voting, just as juries deliberate both in weighing evidence and in reaching a verdict. (Vote tallies, as we see below, become a key input for personal judgment.) Notably absent in all these passages is room for the negotiations by which factions might form, which suggests that the "communication" to be restricted is that which is needed to trade votes.[46] Inner reflection, the sharing of reasons, and voting are the only aims of Rousseau's assemblies.

[43]See, e.g., Arash Abizadeh, "Banishing the Particular: Rousseau on Rhetoric, Patrie, and the Passions," *Political Theory* 29, no. 4 (Aug. 2001): 556–82.

[44]Even on the strictest reading of the clause, citizens would be left with a range of other inputs for inner deliberation: ministerial reports, expert testimony, votes on subsidiary motions, and so on. Whatever else Rousseau had in mind, the assembly must remain a site of what Robert Goodin has called "deliberation within," whereby interpersonal discussion "is replaced by an emphasis on our internal reflections upon the perspectives of one another." See Goodin, *Reflective Democracy* (Oxford: Oxford University Press, 2003).

[45]Cohen, *Rousseau*, 170–71.

[46]Ibid., 76.

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Armed with a better grasp of how Rousseau employs these concepts, we can now turn to how formal procedures convert the general wills of citizens into the declared will of the polity. Rousseau's analysis is clearest when showing how these procedures fail. He identifies two errors in book IV. The first is epistemic. Assemblies are asked whether a given motion is "advantageous" to the body politic (*SC* 199; 3:438) and, as we have seen, under ideal circumstances that advantage is "clearly apparent everywhere." But conditions are not always so favorable. Disagreements arise. Supposing that I am outvoted, can I simultaneously "be free and forced to conform to wills that are not [my] own?" Rousseau rejects the question for misunderstanding the deliberative exercise:

> When a law is proposed in the assembly of the People, what they are being asked is not whether they approve or reject the proposal, but whether it does or does not conform to the general will that is theirs. Each one expresses his opinion on this by voting, and the declaration of the general will is drawn from the counting of the votes. Therefore when the opinion contrary to mine prevails, that proves nothing except that I was mistaken, and what I thought to be the general will was not. (*SC* 200–201; 3:440–41)

Since the assembly aims only to establish commonality—and not matters beyond citizen competence, such as the nature of justice or optimal public policies—Rousseau finds competent majorities to be infallible. If everyone discerns well and wills generally, the vote will be unanimous. In less ideal conditions the competent majority decides the question, not from numerical might, but because no guide is more reliable. Observe how even the character of the deliberation provides useful data: "The more harmony there is in assemblies, that is, the closer opinions come to obtaining unanimous support, the more dominant as well is the general will." But if the assembly faces long and tumultuous debates—here we should note that Rousseau's concern is the tenor of debates and not their presence—one has good reason to suspect "the ascendance of private interests" (*SC* 199; 3:439).

Voting does not simply express citizens' discernment. The vote also refines their judgment. The declared and personal general wills are coconstitutive: discernment informs the personal general wills that determine the public declaration, and that declaration in turn shapes how citizens perceive the common good. Deliberators update their prior beliefs. This explains why, in a rarely noted line from book II, Rousseau claims that "there can never be any assurance that a particular will conforms to the general will until it has been subjected to the free votes of the people" (*SC* 156; 3:383). The knowledge gained from a vote (to say nothing of a series of votes) would be indispensable, particularly in the absence of modern opinion polling. The outcome of the vote itself has epistemic value. The democratic mind introduced in the *Social Contract* informs—and is informed by—public reason.

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Book IV addresses a second error in which weak wills lead to selfish voting. Here citizens know rightly but act wrongly. Rousseau gives this volitional error a procedural solution:

> Does it follow from this that the general will is annihilated or corrupted? No, it is always constant, unalterable, and pure. But it is subordinate to others that prevail over it. Each person, detaching his interest from the common interest, sees perfectly well that he cannot completely separate himself from it; but his share of the public misfortune seems like nothing to him compared to the exclusive good he claims he is getting. With the exception of this private good, *he wants the general good in his own interest just as vigorously as anyone else*. Even in selling his vote for money, he doesn't extinguish the general will *within himself*, he evades it.[47] (*SC* 199; 3:438; emphasis mine)

Even here, at the end of the civil state, discernment persists. The wayward citizen knows that his well-being depends on the common good. His error is letting his particular will dominate. In book I, Rousseau had notoriously asserted that the free rider who "comes to view what he owes the common cause as a free contribution, the loss of which will harm others less than its payment burdens him," must be "forced to be free" (*SC* 141; 3:364). Book IV, in revisiting this error, locates the fault in a weak will. Rousseau's remedy is to remind citizens to vote only on whether a motion is "advantageous to the State," helping to ensure that general will of citizens "is always questioned [and] always answers" (*SC* 199; 3:438).

This passage is remarkable for capturing all three of Rousseau's conceptions. The constancy of the implicit general will comes not from natural law or Platonic truth but from inextinguishable personal wills. The citizen "wants the general good *in his own interest* just as vigorously as anyone else" because the common good is definitionally good for each. This ensures an upright declaration when the question is properly put to well-intentioned citizens. The fixedness of the personal general will also explains why Rousseau's solution to selfish voting requires nothing more than enforcing the citizen's previous agreement to will generally, binding him like Ulysses to his chosen freedom.

In these passages from book IV, Rousseau laments self-interested voting, echoing an earlier claim that "nothing is more dangerous than the influence of private interests on public affairs" (*SC* 173; 3:404). Yet in book II he grounds all political right in self-interest: "Why is the general will always right and why do all constantly want the happiness of each, if not because there is no one who does not appropriate this word *each* to himself, and does not think of himself as he votes for all?" (*SC* 148–49; 3:373; emphasis in original). We may reconcile these comments by noting where the text attends to preferences rather than judgments. The error discussed in book

[47]Translation amended (see note 33 above).

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IV is a preference-based vote in which individuals ask whether "it is advantageous to a given man or to a given party for a given motion to pass" (*SC* 199; 3:438). The resulting tally would be the disastrous will of all, the sum of private preferences. By contrast, in book II (and again in book IV) Rousseau concerns himself with the sources of judgment. In reasoning about the common good, we necessarily refer to our own interests: How could a proposal be good for all if it is not also good for me? Our experiences provide the anecdata that inform the judgments pooled in voting. That vote needs no veil of ignorance: indeed I must know my interests to discern correctly. Rousseau suggests that when I use it well, self-interest can aid my discernment. Only when it bends toward avarice do I err.

At stake in these moments of discernment and willing is nothing less than our freedom. This is obviously true of civil freedom, which requires that the contract be maintained. Less conspicuous are the ties to moral freedom. Rousseau names this freedom only once in the *Social Contract*, describing how the contract allows for inner mastery: "The impulse of appetite alone is slavery, and obedience to the law one has prescribed for oneself is freedom" (*SC* 142; 3:365). Book IV ties this freedom to deliberation so closely that the moment one loses discernment, one is enslaved: "If my private opinion had prevailed, I would have done something other than what I wanted. It is then that I would not have been free" (*SC* 201; 3:441).[48] When either ignorance or selfishness undermine my general will, I not only subvert my deeper desire to see the common good realized but also abandon moral freedom. Discernment allows us to obey—in both a political and moral sense—only the law we give ourselves.

This is Rousseau's new model of the democratic mind. The exercise of democratic sovereignty—the assembling, the voting—is built on a "union of understanding and will" (*SC* 154; 3:380) in which citizens define their good and enact general laws without deference to universal justice or epistocratic authorities. In doing so they will themselves free. The Legislator of the *Social Contract* is reduced to the preparatory role of a "mechanic who invents the machine" (*SC* 155; 3:381); once a society is well ordered, the people decide legitimacy.[49] This gives them "their will alone as rule" and leaves them as free as before (*LM* 232; 3:807). Arthur Melzer has observed that for Rousseau, the "whole activity of voting in the popular assembly is nothing but a means (if also the only and essential means) for expressing,

[48]Christopher Bertram correctly notes a problem with Rousseau's phrasing: "*if* my particular opinion *had* prevailed in the assembly, this would have shown it to be in accordance with the general will!" *Routledge Philosophy GuideBook to Rousseau and "The Social Contract"* (New York: Routledge, 2003), 120. On the role of participation in constituting moral freedom, see Frederick Neuhouser, "Freedom, Dependence, and the General Will," *Philosophical Review* 102, no. 3 (1993): 363–95.

[49]See Ethan Putterman, *Rousseau, Law and the Sovereignty of the People* (Cambridge: Cambridge University Press, 2010).

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consulting, trying to make contact" with our general wills.[50] We can now add that democratic processes help form those wills as well.

5. Conclusion

There is no mystery or menace in the general will. There is only the common good, defined by citizens and willed into law. Indeed Rousseau himself named the "first and most important consequence" of his mature politics to be that "the general will alone can guide the forces of the State according to the end for which it was instituted, which is the common good" (*SC* 145; 3:368). Reconstructing Rousseau's three conceptions of the general will clarifies how citizens' personal general wills, refined in deliberation and declared as law, form the basis of the social contract itself. I conclude by noting two implications of my analysis.

First, once we have seen the centrality Rousseau gives to the common good, it becomes clear that the two dominant interpretations of the general will are both partly correct. Each identifies a necessary condition: formally, deliberations must aim at the common good; substantively, the results must be good for all.[51] But neither fully captures the willing in the general will. Citizens must also exercise discerning judgment and vote to enact their general wills. They must "see the good" and "make their wills conform to their reason" (*SC* 154; 3:380). Citizen agency drives Rousseau's procedures to their substantive aims, and readings that would diminish that agency will prove hard to sustain.

Strictly formal accounts tend to neglect how discernment constrains Rousseau's positivism. Strauss defines the general will as "the will of a society, in which everyone subject to the law must have a say in the making of the law," and concludes that "if the ultimate criterion of justice becomes the general will, i.e., the will of a free society, cannibalism is as just as its opposite."[52] Strauss underspecifies Rousseau's requirements for legitimacy. As the *Social Contract* makes clear, having one's say is not enough. What one says must express discerning judgment. Cannibalism could never be just because harm to any citizen is—by definition—beyond the common good.[53] The limit of law is the good of each.

[50]Arthur Melzer, *The Natural Goodness of Man: On the System of Rousseau's Thought* (Chicago: University of Chicago Press, 1990), 162.

[51]"Thus by the very nature of the compact, every act of sovereignty, which is to say every authentic act of the general will, obligates or favors all Citizens equally" (*SC* 149; 3:374).

[52]Strauss, *Introduction to Political Philosophy*, 52–53. In "The Three Waves of Modernity," Strauss elaborates that the goodness in the general will comes from its generality, by which he evidently means something like "the characteristic of applying equally to all." This leads him to conclude that "it is not necessary to have recourse to any substantive consideration." *Introduction to Political Philosophy*, 91–92.

[53]On the prohibition of harm to citizens, see *PE* 152 (3:256) and *SC* 222 (3:467). For an application of these principles, see Corey Brettschneider, "Rights within the Social

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By contrast, transcendent readings often seek legitimacy far beyond the citizenry. Williams has clarified how the general will "must conform to an eternal idea of justice."[54] As Rousseau puts it: "Whatever is good and in accordance with order is so by the nature of things, independently of human conventions. All justice comes from God; he alone is its source" (*SC* 152; 3:378). But it does not follow, pace Williams, that the general will aims at eternal justice.[55] For Rousseau goes on to explain—extending his earlier claims countering Diderot—that citizens cannot will universal justice because they cannot know it: "if we knew how to receive it from on high, we would need neither government nor laws" (*SC* 152; 3:378). The common good accomplishes what eternal justice cannot: giving citizens a comprehensible standard by which to judge their laws. Rousseau's complex deliberative procedures provide the epistemic resources needed for the justice "acknowledged among us" (*SC* 152; 3:378). Any alignment with eternal justice is epiphenomenal. Williams also worries that without eternal justice "there would be no basis to distinguish the legitimate contract of the *Social Contract* from the illegitimate one of the *Second Discourse*."[56] But common interests offer just such a basis. Rousseau derives legitimacy entirely from shared interests. Law is nothing more than "a public and solemn declaration of the general will, on an object of common interest" (*LM* 232; 3:807–8). Rousseau names justice itself the "first and greatest public interest" (*LM* 301; 3:891). He decries inequality not because it runs afoul of supernal right but because it is "fatal to the common good" (*SC* 163; 3:392). And as we have seen, the general will remains inextinguishable because the citizen wants the common good "in his own interest" (*SC* 199; 3:438) and "think[s] of himself as he votes for all" (*SC* 149; 3:373). The oppressive compact of the *Second Discourse* miscarried because it "gave new fetters to the weak and new forces to the rich" and "for the profit of a few ambitious men henceforth subjected the whole human Race to work, servitude, and misery."[57] Legitimate sovereignty, on the other hand, can have "no other object than the common good."[58]

Recovering Rousseau's three general wills also clarifies their contribution to democratic theory. The *Social Contract* marries an ancient republican commitment to the common good with a bracingly modern account of the agency

Contract: Rousseau on Punishment," in *Law as Punishment/Law as Regulation*, ed. Austin Sarat, Lawrence Douglas, and Martha Merrill Umphrey (Stanford: Stanford University Press, 2012).

[54]Williams, "Substantive Elements," 227.

[55]David Lay Williams, *Rousseau's Platonic Enlightenment* (University Park: Pennsylvania State University Press, 2007), 115.

[56]Ibid., 114.

[57]Rousseau, *Origins of Inequality*, 54 (3:178).

[58]From the 1782 edition of *Political Economy*. See note at 2:1390.

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needed to realize that good. Citizens—and only citizens—must judge legitimacy. They must define their own good and pursue it by deliberating as equals. This remains a radical thesis. It opposes the would-be despot who claims to act on a "will of the people." It resists reducing democratic authority to a "system in which parties lose elections."[59] The *Social Contract* teaches that democracy demands more from us than mere votes: we must also discern well and will generally.

[59]Adam Przeworski, *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America* (Cambridge: Cambridge University Press, 1991). The expansiveness of democracy in this context is well captured in Gordon Arlen, "Aristotle and the Problem of Oligarchic Harm: Insights for Democracy," *European Journal of Political Theory* 18, no. 3 (2019): 393–414.

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